

December 16, 2008  
Elisabeth A. Shumaker  
Clerk of Court

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JERRY CRAIG COLEMAN,

Defendant - Appellant.

No .08-5181  
(D.C. No. 4:08-CV-00715-TCK-SAJ)

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**ORDER**

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Before **MURPHY, GORSUCH, and HOLMES**, Circuit Judges.

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Jerry Craig Coleman appeals the district court's order transferring his Rule 60(b) motion to this court as an unauthorized second or successive § 2255 motion.

District court transfer orders do not end the litigation. FDIC v. McGlamery, 74 F.3d 218, 221 (10th Cir. 1996). Therefore, transfer orders are not immediately appealable as final decisions under 28 U.S.C. § 1291, nor do they fall into any of the recognized exceptions to the final judgment rule. Id. Without a final judgment or an appealable collateral order, this court is without jurisdiction to consider the appeal.

Accordingly, this appeal is DISMISSED.

Entered for the Court,  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script that reads "Lara Smith".

by: Lara Smith  
Counsel to the Clerk